

**REGULAR MEETING OF THE TOWNSHIP COUNCIL
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY
MARCH 23, 2004**

The Regular Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey, held at 475 DeMott Lane, Somerset, was called to order by the Mayor at 7:17 p.m.

Mayor Levine read a statement indicating all requirements of P.L. 1975, Chapter 231 (The Open Public Meetings Act) had been met.

Everyone present participated in the Salute to the Flag and an invocation led by Councilman Regan.

CALL TO ORDER

The Township Clerk called the roll.

Present: Ms. Ashley-Williams, Mr. Chivukula, Ms. Eberle, Mayor Levine, Deputy Mayor McKenzie, Mr. Regan, Mr. Sumter, Mr. Unger.

Absent: Mr. Schrum

Also Present: Louis N. Rainone, Esq., Township Attorney; Kenneth W. Daly, Township Manager; Ann Marie McCarthy, RMC, CMC, Township Clerk

SWEARING IN OF SERGEANTS AND NEW POLICE OFFICERS

Township Clerk Ann Marie McCarthy administered the oaths of office to the following:

- Police Officer Marcelo Dos Reis
- Police Officer Kenneth W. Daly
- Sergeant James Holzheimer
- Sergeant Kristen Durham

Mayor Levine and Police Craig Novick made congratulatory comments of the new Police Officers and Sergeants.

COMMUNITY DEVELOPMENT BLOCK GRANT PROPOSAL HEARING

Ms. von Ohlen made the following presentation:

Notices of this public hearing were provided in the following forms:

- a display ad in the Home News
- a public hearing notice on the Franklin Township website.
- Notices in the municipal building and the library
- Notices were mailed to individuals and non-profit organizations that have requested to be on the mailing list or have expressed interest in the CDBG program information.

“The Township has a citizen participation plan for its Community Development Block Grant (CDBG) program. According to the program regulations, citizens, non-profit organizations and other interested parties must be afforded adequate opportunity to review and comment on the original citizen participation plan, the consolidated plan, substantial amendments to these plans, and the annual performance report.

Two years ago the Township begun implementation of it’s *Consolidated Plan/Annual Action Plan (CP/AAP)* which outlines the needs and objectives of the Township’s low and moderate income

population and activities funded to meet those needs. The Township had previously participated in the Somerset County Urban County Community Development Program since its inception and is still in a consortium arrangement with the County for HOME funds. Franklin Township anticipates \$388,000 in Community Development Block Grant (CDBG) funds.

The program is still in catch-up mode from initial implementation. However, I am happy to report HUD has given the Township a favorable End-of-Year Review. A key criteria for review is the amount of grant that is expended. The housing rehabilitation program has been slower to implement than expected but this, too, has recently seen progress.

The Township has recently closed its application period for this program year. The schedule for development of the plan is as follows:

- The Council will review the applications and hopefully make a decision at their April 27, 2004 meeting.
- A review period for Action Plan follows (30 days) for the month of May.
- On or before July 15, 2004 the Action Plan is submitted to HUD with an expectation that the Program Year begins on September 1, 2004.

This year we received six applications totaling \$406,000. The Council may want to continue funding the Housing Rehabilitation Program. This is the most pressing need that I see on a day to day basis. With the existing funds (\$100,000 each for the last two years) only approximately 4 homes/year will be rehabilitated. Some of the households have been on the list since 1996. We have over 90 on recently reviewed list. This is without advertising the program. It is probably the most practical, direct use of CDBG funds to revitalize an area and personally benefit low income households. Lower income households do not have the financial means to make improvements to their homes. Maintenance and minor improvements are deferred with limited incomes.

This year the Township has partnered with the Somerset Community Action Program (SCAP) in application to the County's HOME program for funds for housing rehabilitation for low income homeowners. The application is still pending. If the application is approved, CD funds would be needed for administration of that program as it is an ineligible expense for HOME funds. Funding decisions are expected in May.

We are also exploring ways to improve the property maintenance program in older sections of the Township. CDBG funds may be used for code enforcement activities in community development service areas.

The following Community Development Block Grant (CDBG) applications have been received:

<u>ORGANIZATION/CONTACT</u>	<u>PROJECT</u>	<u>REQUEST AMOUNT</u>
FT Community Resources/ Laura Stallings	After School Program for Low/Mod. Income Households	\$50,000
FT Food Bank/ Dennis McGrath	Cargo Van	\$27,800
SC Coalition for Affordable Housing/Sharon Clark	Housing Counseling	\$11,200
Great Expectations Peg Wright	New Facility for Homeless Pregnant Women	\$100,000
Great Expectations Peg Wright	New Facility for Homeless Pregnant Women	\$100,000
Franklin Township	Administration/ Planning	\$77,600
TOTAL		\$406,600".

Franklin Township Community Resources, Laura Stallings requested \$50,000 for the After School Program for low and moderate income households.

Franklin Township Food Bank, Denis McGrath, Executive Director, requested \$27,800 for a cargo van to deliver food. Mr. McGrath reviewed the delivery routes. Mr. Chivukula asked if there would be costs involving the driver. Mr. McGrath replied volunteers would be the drivers. Mr. Chivukula asked if a special license was needed to drive the van. Mr. McGrath replied no.

Somerset County Council On Affordable Housing, Sharon Clark, Executive Director – \$11,200 to provide housing counseling for low and moderate income families, a large percentage of whom are Franklin Township residents or employees. Ms. Ashley-Williams asked how many participants were able to purchase homes. Ms. Clarke replied there are four (4) different programs. In the Step by Step program, there were 53 Franklin Township residents and 18 were able to purchase homes. In the Spanish Program, 2 were able to purchase homes. Ms. Clarke stated there were 16 Franklin Township residents that received post home owners' education. Mayor Levine asked what percentage of clients are from Franklin Township. Ms. Clarke replied 25%.

Peg Wright, Great Expectations, requested \$100,000 to assist in costs to the infrastructure of the new facility for homeless pregnant women. This would be an expansion of the program and facility currently in Somerville. The new facility would house 16 clients and provide an after care component. Ms. Wright reviewed the other funding sources Great Expectations has applied for in connection with this project. Ms. Ashley-Williams asked for the total amount for the project. Ms. Wright replied \$3.5 million. Ms. Ashley-Williams asked what percentage of their clients are from Franklin Township. Ms. Wright replied it is a low percentage, however, there is a need in Franklin Township for the after care component and outpatient services. Mayor Levine asked where would the facility be located. Ms. Wright replied adjacent to the McCarrick Care Center.

Ms. von Ohlen answered questions regarding the grant program. She explained that the 2004 grant amount is \$388,000. A maximum of 20% or \$77,600 can be spent on planning and administration. Public service (operating costs) can not exceed 15% of the grant or \$58,200. The purchase of a van is considered a public service.

MAYOR'S REPORT

Mayor Levine reported the following:

- He made a brief overview of the agenda items and announced that due to the length of the agenda, the public discussion would be limited to a half hour with 2 minutes per speaker.
- Congressman Rush Holt held a town meeting on Saturday, March 13th to answer and address concerns from the public.
- The Mayor's Advisory Committee held its organizational meeting and Mayor Levine expressed his intention to bring their opinions and recommendations to Council. He noted that all five wards were represented as well as all political parties.
- He reported on the March 22nd Tax Meeting. He noted the Township Manager, Tax Assessor, County Freeholder Robert Zaborowski and members of the Board of Education were in attendance to answer questions and address concerns made by the public.
- He announced that the Council meetings will be videotaped starting in April and broadcast on Channel 8 at first, then move to Channel 25.

- He announced that he will be requesting all non-profit organizations the Township donates money to provide financial statements.

Mr. Chivukula announced the March 22nd Tax Meeting was videotaped and is available in the Library.

DEPUTY MAYOR'S REPORT

Deputy Mayor McKenzie reported on the following:

- Referred to the two new police officers sworn in earlier and reported that the Department of Justice recommended a police force of 115. He reconfirmed Council's commitment to add two police officers each year until a full complement is reached.
- Announced the Police Department will be hold a Senior Citizen Police Academy on Identity Theft and recommended that similar programs be offered to other types of residents.
- Referred to the March 22nd Tax Meeting and stated that something has to be done and urged the State Legislature to work on property tax reform.
- Announced the Food Bank is holding a charity event on Saturday, March 27th and noted that one of its honorees is former Clerk, Jean Pellicane.

REVIEW OF PREPARED AGENDA

Mayor Levine led a review of the prepared agenda.

Mr. Regan asked if Resolution #04-140 – Amending the contract with CCMS in the amount of \$49,040.00 was included in the budget. Mr. Daly replied in the affirmative.

Mayor Levine explained that the April 8th, the date of the Agenda Meeting, is Holy Thursday. Mayor Levine stated that Resolution #04-159 deletes that meeting from the 2004 meeting schedule and changes the April 13th Regular Meeting at 8:00 p.m. to a Combination Agenda/Regular Meeting to begin at 7:00 p.m.

Mr. Chivukula recommended that Council replacement appointments be made to the Veterans Memorial Committee as follows: Mr. Chivukula, Mr. Unger and Mr. Sumter.

Deputy Mayor McKenzie moved to amend the agenda to include the appointments to the Veterans Memorial Committee. Said motion was seconded by Ms. Eberle and carried unanimously upon call of the roll.

COUNCIL DISCUSSION ITEMS

Little League Annual Report

John Brewer, Little League Board of Directors President, made the following presentation to Council as required by their lease with the Township:

In 2003, 675 children participated in the Little League Program from age 5 to 16. He reported that 675 participants divided by 47 teams equals 280 games played. He noted that there will be 48 teams in 2004. The teams play from April through June. The total number of games is approximately 350 which includes post season and travel teams. There are five different skill levels to accommodate the age groups between 5 and 16.

Little League participates in four funding events: team sponsorships; sign fund raising; candy drive and canister drives. He stated they have been able to keep registration low and

provide a sliding scale according to age and reductions for multiple children from one family. He reported that donations of in-kind services are received from local businesses and he thanked the Township for the support received by the Department of Public Works.

He announced as a follow-up to the amendment of the lease, a new tee ball field is being constructed and will be ready for opening day. He thanked Council for all of their support and announced that opening day is April 17th. He invited Council members to attend the parade.

Preservation Plan (Griggs Park/Negri Nepote) Briefing

Randy Jones, Chairman of the Open Space Advisory Committee thanked Council for allowing them to present the land management program for the two aforesaid tracts. He reported that the Open Space Advisory Committee held a public hearing on said land management plan and the Committee endorses the plan. He stated that the plan primarily focuses on the Griggs Park Greenway and the Negri Nepote Grassland Tract.

Mr. Jones stated that Troy Edle, Director of the New Jersey Audubon Society has worked closely with the Open Space Advisory Committee. He stated that this plan started in June, 2003 when Councilman Regan was the Open Space Advisory Committee Chairman. He stated that on November 3, 1998, the votes approved by referendum the creation of the Municipal Open Space Recreation Farmland Historic Preservation Fund. The Open Space Advisory Committee has been responsible in managing the open space in the Township. Mr. Jones asked that Council recognize those supporters of the Audubon Society.

John Loos, Consultant to the Open Space Advisory Committee, made the following presentation:

- In 1998, the voters of Franklin Township approved a referendum which established the "Open Space, Recreation and Farmland and Historic Preservation Trust Fund."
- Currently, the "open space tax" is \$0.05 per hundred dollars of assessed value.
- The open space tax annually raises approximately \$2.9 million.

Pursuant to NJ Law (NJSA 40:12-15.7a(1), the dedicated open space tax can be used for any of the following purposes:

- a) **acquisition of lands** for recreation and conservation purposes;
- b) **development of lands** acquired for recreation and conservation purposes;
- c) **maintenance of lands** acquired for recreation and conservation purposes;
- d) **acquisition of farmland** for farmland preservation purposes;
- e) **historic preservation** of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, objects for historic preservation purposes; or
- f) **payment of debt service** on indebtedness issued or incurred by a municipality for any of the purposes set forth in subparagraph (a), (b), (d) or (e) of this paragraph.

Franklin Township comprises a total of 28,049 acres. It stretches from Route 287 in the north to the D&R Canal in the west to Route 27 in the east and to Princeton Township in the south.

Preservation Efforts

Preserving land is accomplished through the combined efforts of many different government agencies:

The State of New Jersey – Department of Environmental Protection, Green Acres Program and the Department of Agriculture, Farmland Preservation Program.

The County of Somerset – Open Space Program and Farmland Preservation Programs.

The Township of Franklin - Open Space Program and Farmland Preservation Programs.

Of the 28,049 total acres in the Township, there are 4,771 preserved acres that are State-owned. Over 3,000 preserved acres are located in the central part of the Township in the Six Mile Run Reservoir Site.

The State of New Jersey also manages the D&R Canal State Park on Franklin's western and northern borders.

Somerset County is also active in helping to preserve Franklin's land. 434 acres is county-preserved farmland and 1,020 acres is county-owned parks and golf courses for a total of 1,454 acres of county-owned land.

Over 31% of Franklin Township's land base is currently preserved.

Total acres in Franklin Township	28,049.84
State-Owned Preserved land	4,771.38
County-Owned Preserved Land	1,020.03
Franklin Township-Preserved Land	2,028.97
Homeowners Associations' Open Space	547.00
Private Non-Profit Preserved	59.43
Farmland Preservation Easement	434.91
Total Acres Preserved	8,860.82
Percentage of Township Currently Preserved	31.06%

There are two, very large natural areas of open space that we are currently focusing on managing:

The 163+ acre Negri-Neport-Leni Grasslands Tract.

- Bordered by Bennetts Lane to the north, Skillmans Lane to the south and Six Mile Run Reservoir to the west and southwest.
- This site contains: approximately 42-acres of early-successional shrubs and small trees; approximately 10-acres of mature hardwood-forest and approximately 111-acres of fields.
- Trails are being proposed to be developed around the field edges, through the forest and into the early successional area.
- An eight-car gravel parking lot is proposed off of Skillmans Lane.
- Near the parking lot, an informational kiosk will be built by an Eagle Scout and installed by the Department of Public Works.
- It is proposed that the Township create a 2.5 acre wetlands or vernal pool area in an area that is already a naturally wet area. This area would remain wet for much of the year and would attract amphibians, such as frogs and salamanders.

- The 111-acres that are in fields are being proposed to be managed in warm-season native grasses.

The 690+ Griggs Park Greenway

- This 3-mile long greenway stretches from Canal Road in Griggstown to the west and South Middlebush Road in Franklin Park to the east.
- A driveway off of Canal Road in the Griggstown area is proposed. The driveway would lead to a 15-car parking lot. The proposed parking lot would utilize the existing asphalt pad that is under an unsightly old metal-roofed, concrete barn which will be demolished. The parking area will be expanded around the pad, utilizing gravel.
- An informational kiosk will be built by an Eagle Scout and installed by the Department of Public Works.
- Also to be demolished is an old horse stable.
- A second parking lot is being constructed, by a developer, at no cost to the Township, off of Bunker Hill Road.
- A possible third parking lot may someday be constructed off of South Middlebush Road.
- Trails will be constructed throughout the greenway. Interpretive signage will be placed along the side of the trails.
- There are approximately 102-acres of fields in the western, Griggstown portion of the greenway. 47-acres of these field are being proposed to be managed as warm-season, native grasses. Another 55-acres would be managed to maintain the existing grass/shrub habitat.

When Franklin Township wanted to better manage its considerable natural resources, it turned to a considerable professional resource – the New Jersey Audubon Society. The partnership appears promising. The New Jersey Audubon Society is expert in devising land-management strategies for large tracts of recreational and natural areas. The Township has two natural areas. The New Jersey Audubon Society is crafting a master plan for each. Passive recreation and maintenance of wildlife habitats are the main focus.

Troy Edle, of the New Jersey Audubon Society stated that this is the first partnership with a municipality. He stated the New Jersey Audubon Society was contracted to develop a passive recreation plan and habitat management plan for these two tracts. It is important to have a development plan so that the land remains high quality. It is their goal to engage as many residents as possible to participate in the many activities at these tracts.

Mr. Edle reported that these areas are historically a mecca for grassland birds. He stated that 41% of New Jersey's endangered birds are grassland species. Mr. Edle reported there are a number of rare species that have already been recorded in Franklin Township, such as the grassland sparrow. The grassland species are area sensitive and the 11-acre restoration area is needed to restore grassland species in this area.

Mr. Edle stated they are aiming for development, extensive settlement and intensive agriculture for these sites. They want to restore the native plants to these tracts. In addition to restoring grasses, wildflowers will be restored which are critical to birds and butterflies.

Mr. Edle stated he has been working with Bonnie von Ohlen and John Loos in developing funding sources. He stated the federal government has cost-share programs to help fund these projects. The US Department of Agriculture has a grant program called the Natural Conservation Resources which will fund 75% of the project with a 25% in-kind match from the

Township. The US Fish and Wildlife has a cost-share program called the Partners Program that will fund supplies for the project. There is also a program called the Land Owners Incentive Program that provides land owners cash per acre if they conduct conservation practices on their land.

Mr. Edle stated there is a Trail Grant from the NJ Department of Transportation that will fund trail development and signage.

He announced the grassland symposium will be held in Council Chambers in Franklin Township on April 14th.

Mr. Loos concluded that Franklin Township has the opportunity to become a tourism destination which would result in more money being spent in Franklin Township.

Mr. Unger asked if the geese would cause a problem at these tracts. Mr. Edler replied geese like tall grass and they are restoring short grass.

Mayor Levine stated they are honored the symposium is being held in Franklin Township. He stated that the Open Space Advisory Committee has been very successful and this is a good overall plan with good vision. He asked that they help the Township be proactive.

Open Space Property Assessment Policy & Evaluation Form

Township Manager, Kenneth Daly reported that the Open Space Advisory Committee has recommended that Township Staff use their evaluation form when circulating a request to buy or sell land. Mr. Daly stated Council will understand this recommendation more when it sees the form used.

APPROVAL OF MINUTES

Ms. Ashley-Williams requested the following be added to her comments in the minutes: "While Ms. Ashley-Williams understands and respects the Mayor's position, she opined that the Mayor should have contacted Diana Herman regarding his appointments to the Library Board prior to making the appointments."

Mayor Levine requested the following be added to his comments in the minutes: "He has the highest respect for Diana Herman and he spoke to her the following day after he made his appointments to the Library Board."

Upon motion by Mr. Chivukula and seconded by Mr. Sumter, the minutes of Regular Meeting March 9, 2004 were approved as amended as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

WARRANTS

Read by Mayor Levine:

1	Current	4,613,703.76
5	Water Operating	390,235.57
6	Water Capital	
4	General Capital	20,599.77
15	General Trust	22.65

18	Self Insurance Trust	
21	Recreation Trust	
12	Open Space Trust	6,201.33
2	Grant	5,809.71
29	Unemployment Trust	
3	Collector Trust	5,580.79
14	Dog Revenue	1,164.00
13	Redevelopment Agency	
	SUB-TOTAL	5,043,317.58
	Escrow Account	36,597.80
	GRAND TOTAL	5,079,915.38

Motion was made by Deputy Mayor McKenzie and seconded by Mr. Chivukula to approve the Warrants. Township Clerk McCarthy polled the Mayor and Council, the vote being as follows:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Motion was carried.

ORDINANCES, PUBLIC HEARING

Ordinance No. 3435

Mayor Levine offered the following ordinance:

AN ORDINANCE CHANGING THE NAME OF A PORTION OF STREET KNOWN AS AMWELL ROAD TO OLD AMWELL ROAD, IN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY.

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Deputy Mayor McKenzie and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Deputy Mayor McKenzie to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Chivukula and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Deputy Mayor McKenzie and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ordinance No. 3436, Amended

Mayor Levine offered the following ordinance:

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF STREET KNOWN AS SCHOOL HOUSE ROAD BETWEEN WESTON CANAL ROAD AND METTLARS ROAD AND PARCEL 10B ON SCHOOL HOUSE ROAD IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Deputy Mayor McKenzie and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Chivukula and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ordinance No. 3437

Mayor Levine offered the following ordinance:

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY MORE PARTICULARLY CHAPTER 112, DEVELOPMENT - SECTION 112-6, ZONING DISTRICTS - PORTION OF PARCEL 10B - SCHOOL HOUSE ROAD FROM A (AGRICULTURAL) TO S-C-V (SENIOR CITIZEN VILLAGE)

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

Glen and Agnes Messineo, 154 School House Road, asked for clarification of where Parcel 10B is located in connection with the reconstruction of School House Road. Mr. Rainone replied it is the triangle that resulted from the reconstruction. Mr. Messineo stated his markers were removed when the reconstruction work was being done by Canal Walk. He asked who is going to replace them so he knows where his property ends and Canal Walk's property begins. In response to Mr. Messineo's concerns regarding the property markers, Mr. Daly stated he would contact the Engineering Department regarding their concerns and they would contact the Messineos.

Norm Fisher, Elizabeth Avenue, asked is all agricultural zones were being changed to senior citizen village zones or just parcel 10B. Mr. Rainone replied the change only applies to Parcel 10B on School House Road.

There being no further comments from the public, a motion was made by Mr. Chivukula to close the public hearing on the aforesaid ordinance. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ordinance No. 3439

Mayor Levine offered the following ordinance:

AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC IN A PORTION OF STREET KNOWN AS MYRTLE STREET IN THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Sumter to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Chivukula and carried unanimously upon voice vote.

A motion was made by Mr. Chivukula to adopt the ordinance on final passage and publication in accordance with law. Said motion was seconded by Mr. Sumter and carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ordinance No. 3440

Mayor Levine offered the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-30 (ON STREET HANDICAPPED PARKING SPACE (DELETE 11 CHESTER AVENUE))

Mayor Levine stated this ordinance is called up for second reading and final passage. The Township Attorney has approved the Affidavit of Publication and a public hearing is in order.

A motion was made by Mr. Chivukula to open the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

There being no comments from the public, a motion was made by Mr. Chivukula to close the public hearing on the aforesaid ordinance. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

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<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

PUBLIC DISCUSSION

A motion was made by Mr. Chivukula and seconded by Mr. Regan to open the meeting to the public. Said motion carried unanimously upon voice vote.

Marilyn Kulick, 1079 Canal Road, Citizens to Preserve Griggstown, supported the preservation plan, including the parking lot which has been controversial. She stated the parking lot impacts on her property because the access road is next to her property. She understands that there are trade offs in any situation. Ms. Kulick expressed the vandalism animal feeding concerns by residents in this area. She thanked Council for purchasing the land.

Teddi Devries, 244 Berger Street, thanked Council for their responsiveness to her concerns regarding litter on the streets after garbage and recycling collections. She stated a street sweeper came to her street shortly after garbage collection. She stated the roads look great.

Jerry Grundfest, 19 Hill Avenue, expressed his concerns regarding the odors from Molecular Wire. He stated he has contacted the Health Department and they addressed the matter immediately. He stated it is discouraging that the company is using attorneys to defend themselves instead of remedying the problem. He stated he does not understand how a company can not be shut down when it is in violation of numerous municipal ordinances and has not obtain proper approvals.

Mr. Rainone replied that the Township took them to court last year and received a Consent Order. He agreed that they are in violation of the Consent Order and the Township is waiting to here on a pending motion to get Molecular Wire to abide by the Consent Order. He stated the Township is taking every legal step possible. He reported the Department of Environmental Protection has become actively involved in this case which helps the Township.

Ms. Peterson, 12 Lakewood Avenue, stated the company has never stopped working, they have just switched to night hours. She stated there are still odor problems. She expressed her concerns the building that has never been equipped to use toxic chemicals, acids, and bases. She also expressed her concerns that these toxic chemicals may have contaminated her fruit trees.

James Vassanella, Austin Avenue, requested Council review the possibility of Township Departments having night hours to accommodate residents without additional overtime costs.

Mr. Vassanella expressed his support of programs for seniors regarding scams and identity theft. He recommended that the Township Council establish a task force to look over the School Board's plans and budget. He asked if the Township has received its new maps.

Mr. Daly and Mr. Regan replied that his request regarding night hours would be reviewed by the Finance Oversight Committee.

Courtney Throckmorton, 591 Somerset Street, announced former Councilman Harry Weber was operated on and is presently in rehabilitation. He stated that the Mayor's Advisory Committee was well received. He expressed his concerns for businesses in the Renaissance 2000 Area. He stated that the businesses are suffering from eminent domain conducted by the Redevelopment Agency. He stated that businesses are discouraged from coming into this area. Mr. Daly stated that the Redevelopment Agency does not have that control. The Township Council created the Agency and Plan and empowered the Redevelopment Agency with eminent domain. Mayor Levine suggested that he and Ms. Ashley-Williams, as members of the Redevelopment Agency, prepare a report.

Sid Lentz, Cornelius Way, commented on the March 22nd Tax Meeting. He stated his home was over assessed five years in a row and he has won each appeal. He expressed his opinions regarding the Tax Assessor and requested he be transferred to another municipality since he is an employee of the County. Mr. Rainone clarified that the Tax Assessor is an employee of the Township with tenure. He receives direction from the County Board of Taxation. Mr. Regan expressed his opinions regarding the Tax Assessor and his request to address the Freeze Act. Mayor Levine addressed Mr. Regan's comments regarding the Tax Assessor.

John McConville, 5 Stone Leigh Way, asked why more money was needed for the Easton Farms Drainage Project. Mr. Daly replied that it is to address the new stormwater management regulations.

Mr. McConville asked for clarification on consent agenda item 17F regarding the Franklin Township Water Department Systems. Mr. Daly replied the contract included requirements from state and federal regulations, emergency response plan and annual report.

Mr. McConville stated the tax meeting was informational and that it shows that a lot of residents are hurting financially. In response to the Food Banks's request for a bus, he was disappointed that Council did not ask if the bus is needed or how much will it be used. Mr. Regan replied that the grant applications will be reviewed by the Finance Oversight Committee and they will make their recommendations to Council.

A motion was made by Mr. Chivukula and seconded by Mr. Sumter to close the meeting to the public. Said motion carried unanimously upon voice vote.

COUNCIL COMMENTS

Mr. Regan apologized for missing the tax meeting due to illness.

Mr. Chivukula commended the Township Clerk for changing their packet to letter size. He noted he had been trying to accomplish this for the last six years. Mr. Regan noted that he and other Council members requested this change to the packets.

INTRODUCTION OF ORDINANCES

Ordinance No. 3448

Mayor Levine presented the following ordinance:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, MORE

**PARTICULARLY CHAPTER 226 - VEHICLES AND TRAFFIC, SECTION 226-30
(ON STREET HANDICAPPED PARKING SPACE (DELETE 178 PHILLIPS ROAD
FOR APT. 167 and 174 BAIER AVENUE, APT. 106)**

which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 27, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. Said motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ordinance No. 3449

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACQUISITION OF DRAINAGE EASEMENT - BLOCK 468.08/LOT 2.03 - FIRST INDUSTRIAL LP (MARY KAY)

which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 27, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. Said motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ordinance No. 3450

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM VLIET 27, LLC, OF DEED FOR BLOCK 32/LOT 1.02

which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 27, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. Said motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Ordinance No. 3451

Mayor Levine presented the following ordinance:

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY AUTHORIZING ACCEPTANCE FROM GREEN HILL MANOR, OF DEED FOR BLOCK 20.02/LOTS 16.01 AND 12.05

which is presented to the Township Council for adoption on first reading, posting, publication in accordance with law and public hearing and final adoption on April 27, 2004.

The aforesaid ordinance was moved by Mr. Chivukula and seconded by Mr. Sumter. Said motion carried as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Mr. Regan requested an executive summary be attached to ordinances from staff members explaining the ordinance in simpler terms to assist Council members in understanding the ordinances.

CONSENT AGENDA

Upon motion by Mr. Chivukula, seconded by Mr. Sumter, the following Consent Agenda Items were adopted as follows upon call of the roll:

<u>AYES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ashley-Williams	Chivukula			Schrum
Eberle	Levine			
McKenzie	Regan			
Sumter	Unger			

Resolution #04-136: Release of Construction Water Meter Escrow Monies to Royal Mechanical in the amount of \$590.00.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of utilizing fire hydrants for construction water as required by **Section 236-11 of the Code;** and

WHEREAS, the project has been completed and the Director of the Water Division of the Department of Public Works, has certified to the Township Clerk the amount of money actually due for said construction water and has recommended that the balance remaining as set forth be returned to the applicant:

APPLICANT: ROYAL MECHANICAL
ADDRESS: Darby Commons Bay 109
 Folcroft PA 19032

AMOUNT DEPOSITED:	\$850.00
AMOUNT TO BE DEPOSITED IN WATER ACCOUNT FOR SERVICE CHARGE & WATER USAGE	<u>\$260.00</u>
AMOUNT TO BE REFUNDED:	\$590.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County and State of New Jersey that the remaining escrow monies be returned to the above named applicant; and

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby directed to refund the escrow amounts herein.

Resolution #04-137: Authorize refund of Fire Service/Hydrant Remittals to Residential Health Care Facilities.

WHEREAS, on January 14, 2004, the Health Care Facilities Act approved that a Municipality cannot impose standby fees to any residential health care facility; and

WHEREAS, the Collector of Revenue has identified those facilities that should not be billed for fire service/hydrant standby fees; and

WHEREAS, there appears on the books of the Collector of Revenue, Fire Service and Fire Hydrant charges to be remitted as follows:

<u>YEAR</u>	<u>BLOCK/LO</u>	<u>NAME</u>	<u>REASON</u>	<u>AMOUNT</u>
	<u>T</u>			
2004	32/1.01	Tuschak, S. & Others - Franklin Conv	P.L. 2003, Ch. 278	1,301.46 376.00
2004	259/79.01	Somerset Nursing Home	P.L. 2003, Ch. 278	999.34 376.00
2004	347/7	Somerset AL Holdings	P.L. 2003, Ch. 278	999.34 752.00
2004	386.07/53.01	Central NJ Jewish Home	P.L. 2003, Ch. 278	999.34 1,504.00
2004	386.07/54.03	Somerset Residence	P.L. 2003, Ch. 278	1,301.46 1,128.00
2004	386.07/55.01	Central NJ Jewish Home	P.L. 2003, Ch. 278	999.34 1,504.00
2004	417.01/4.02	Somerset AL Holdings	P.L. 2003, Ch. 278	697.22 1,128.00
2004	424.01/39.03	Margaret McLaughlin McCarrick Center	P.L. 2003, Ch. 278	1,301.46 1,880.00
2004	468.11/12	Forever Day Care-Adult	P.L. 2003, Ch. 278	1,301.46

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County that the Collector of Revenue be and she is hereby directed to remit the amount so stated.

Resolution #04-138: Amend Professional Services Agreement with VanCleaf Engineering Associates in connection with the Easton Farm Drainage Project in the amount of \$13,500 for additional work required by recent legislation.

WHEREAS, by resolution adopted February 26, 2002, Professional Service Agreement was authorized with VanCleaf Engineering Services for engineering services in connection with the design of the Easton Farm Drainage Project in the amount of \$140,607.00; and

WHEREAS, a need exists to amend said contract to provide an additional \$13,500 due to delays with the project; and

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available; and

WHEREAS, the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, as follows:

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced amended agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This amended agreement is awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: VanCleef Engineering Associates
ADDRESS: 339 Amwell Road, PO Box 5877, Hillsborough, NJ 08844

CONTRACT AMOUNT: Not to exceed an additional \$13,500.00

SERVICE: Additional Engineering Services for Easton Farms Drainage Project in accordance with February 3, 2004 Proposal on file with the Township Clerk and available for public inspection.

Resolution #04-139: Extend Consulting Contract with Housing and Community Services, Inc. for administration and consulting for the Community Development Block Grant Program to December 31, 2004 in the amount of \$5,000.

BE IT AND IT IS HEREBY RESOLVED that the resolution adopted November 12, 2003 awarding a contract to Housing and Community Development Services for administration and consulting for the CDBG Housing Program for a one-year period to December 31, 2003:

Housing and Community Development Services, Inc.
4 Sloan Street

South Orange, NJ 07079

be extended to December 31, 2004 in an amount not to exceed \$5,000.00; and

WHEREAS, the Chief Financial Officer has certified hereon that funds are available and the Township Attorney has reviewed the certification and is satisfied that said certification is in proper form;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk be and the same are hereby authorized to enter into a contract with the above listed company.

Resolution #04-140: Amend Contract with CCMS, Radio System Consultant in connection with consulting services for the Police Radio System to include services during deployment of the system in the amount of \$49,040.00.

WHEREAS, by resolution adopted February 26, 2002, a Contract was authorized with CCMS for consulting services for the Police Radio System in the amount of \$160,310.00; and

WHEREAS, a need exists to amend said contract to provide an additional \$49,040.00 to include services during the employment of the system such as system evaluations (9-1-1/logging and communications center; and

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available; and

WHEREAS, the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) requires that the resolution authorizing the award of contracts for "PROFESSIONAL SERVICES" without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, as follows:

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced amended agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This amended agreement is awarded without competitive bidding as a "PROFESSIONAL SERVICE" under the provisions of the Local Public Contracts Law because it is a recognized profession licensed and regulated by law and it is not possible to obtain competitive bids.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Professional Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or

nature arising out of or claimed to arise out of alleged violations of the Act. A copy of the Act shall be attached to and incorporated in the Professional Service Agreement authorized herein.

VENDOR NAME: CCMS
ADDRESS: 29 State Highway 34/PO Box 236, Colts Neck, NJ 07722

CONTRACT AMOUNT: Not to exceed an additional \$49,040.00

SERVICE: Additional Services for Police Radio System to include services during the employment of the system in accordance with March 8, 2004 Memorandum from Lt. Jeffrey Carter, Commander, Professional Services Division of the Franklin Township Police Department on file with the Township Clerk and available for public inspection.

Resolution #04-141: Authorize Extraordinary Unspecifiable Services Agreement with Fred Yoerg & Associates PC for services in connection with the preparation of an emergency response plan for each of the systems of the Franklin Township Water Department in the amount of \$17,500.

WHEREAS, a need exists to contract for the below noted services for the Township of Franklin, County of Somerset, New Jersey; and

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5(m)) requires that the resolution authorizing the award of contracts for "EXTRAORDINARY UNSPECIFIABLE SERVICES" without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, as follows:

- (1) The Mayor and Township Clerk are hereby authorized and directed to execute the below referenced agreement with the below stated vendor, which agreement shall be maintained on file with the Township Clerk and available for public inspection.
- (2) This agreement is awarded without competitive bidding as a "EXTRAORDINARY UNSPECIFIABLE SERVICE" under the provisions of the Local Public Contracts Law.
- (3) A notice of this action shall be printed in the **LEGAL NEWSPAPER OF THE TOWNSHIP** as required by law within ten (10) days of its passage.
- (4) The vendor shall supply the Township of Franklin with Federal Affirmative Action Plan Approval or State Certificate of Employee Information Report within the time period specified by NJAC 17:27. The Contract shall contain the Mandatory Affirmative Action Language for Professional Service Contracts required by NJAC 17:27, a copy of which shall be attached to and incorporated in the Extraordinary Unspecifiable Service Agreement authorized herein.
- (5) The vendor shall agree to comply with the requirements of Title II of the Americans with Disabilities Act of 1990 and indemnify, protect and save harmless the Township from all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of alleged violations of the Act. A copy

of the Act shall be attached to and incorporated in the Extraordinary Unspecifiable Service Agreement authorized herein.

VENDOR NAME: Fred Yoerg & Associates PC
ADDRESS: 91 East Somerset Street
 Raritan, NJ 08869
CONTRACT AMOUNT: \$17,500.00

SERVICE: Consulting Engineering Services in connection with Emergency Response Plan for the Franklin Township Water Department Systems.

Resolution #04-142: Authorize Raffle Licenses with the East Franklin Township Volunteer Fire Company and the New Jersey Association of Legal Professionals.

WHEREAS, the following have made application to the Township of Franklin, Somerset County, for a Raffle/Bingo License; and

WHEREAS, said applications have been presented to the Mayor and the Chief of Police for Findings and Determinations; and

WHEREAS, the Clerk has reported that the proper fees have been paid;

NOW, THEREFORE, BE IT RESOLVED that the Clerk be instructed to issue a **RAFFLE/BINGO LICENSE** to the following:

<u>NAME OF ORGANIZATION</u>	<u>DATE OF RAFFLE/BINGO</u>
East Franklin Township Volunteer Fire Company 121 Pine Grove Avenue, Somerset, NJ Off-Premise Raffle – RL#1431 Drawing: 121 Pine Grove Avenue, Somerset, NJ	September 30, 2004 5:30 P.M.
NJALS – New Jersey Assoc. of Legal Professionals P.O. Box 1126 Ringoos, NJ 08551 On-Premise 50/50 – RL#1432 On-Premise Raffle – RL#1433 Drawing: Holiday Inn, Somerset, NJ	April 24, 2004 12:30 pm – 3:30 pm
Church of St. Matthias 170 JFK Boulevard, Somerset, NJ Non-Draw Raffles – RL#1428A On-Premise 50/50 – RL#1429A Drawings: St. Matthias Church Grounds	May 11-14, 2004 6:00 p.m. – 10:00 p.m. May 15, 2004 2:00 p.m. – 10:00 p.m. May 16, 2004 2:00 p.m. – 9:00 p.m.
Church of St. Matthias 170 JFK Boulevard, Somerset, NJ Off-Premise 50/50 – RL#1430A Drawing: St. Matthias Church Grounds	May 16, 2004 9:00 p.m.

Resolution #04-143: Authorize Release of Planning/Building Review Escrow Monies.

WHEREAS, the Township of Franklin, Somerset County has received escrow monies for purposes of professional fees incurred for review of and/or testimony concerning an application for development in accordance with Section 112-29 of the Code of the Township of Franklin; and

WHEREAS, the project has been completed and the Township Engineer has certified to the Township Clerk the amount of money charged against the escrow and has recommended that the balance remaining as set forth be returned to the applicant:

APPLICANT: SOMERSET HENRY REALTY

ADDRESS: 11 Springfield Avenue Somerset NJ 08873
 DOCKET NO: PLN2001-0057
 BLOCK/LOT: 171/236 & 237.03
 LOCATION: Henry Street
 AMOUNT DEPOSITED: \$11,000.00 Plan Review
 AMOUNT CHARGED: < 8,862.40 >
 AMOUNT TO BE REFUNDED: \$ 2,137.60

APPLICANT: ARSHA BODHA CENTER

ADDRESS: 84 Cortleyou Lane Somerset NJ 08873
 DOCKET NO: Site Plan PLN2002-0067 Subdivision PLN2002-0022
 BLOCK/LOT: 57.01/51.01
 LOCATION: 84 Cortleyou Lane
 AMOUNT DEPOSITED: \$2,250.00 Schoor DePalma \$750.00 Ellen E.
 Ritchie
 2,000.00 500.00
 AMOUNT CHARGED: <2,902.50> <650.00>
 AMOUNT TO BE REFUNDED: \$1,347.50 A PLN2002-0022 \$600.00 B
 - 0 - - 0 -
 AMOUNT DEPOSITED: \$2,250.00 Schoor DePalma \$750.00 Ellen E.
 Ritchie
 1,000.00
 1,347.50 A
 600.00 B
 475.00 C
 AMOUNT CHARGED: <3,144.75> <275.00>
 AMOUNT TO BE REFUNDED: \$2,527.75 PLN2002-0067 \$475.00 C
 - 0 - - 0 -

APPLICANT: KF PIERCE, LLC

Plan Review

ADDRESS: 520 US Highway 22 Bridgewater NJ 08807
 DOCKET NO: PLN2003-0005
 BLOCK/LOT: 517.01/2.04
 LOCATION: 615 Pierce Street
 AMOUNT DEPOSITED: \$4,000.00 CME \$1,000.00 Ellen
 E. Ritchie
 AMOUNT CHARGED: <1,596.00> < 475.00 >
 AMOUNT TO BE REFUNDED: \$2,404.00 \$ 525.00

APPLICANT: KF PIERCE, LLC

Inspection Fees

ADDRESS: 520 US Highway 22 Bridgewater NJ 08807
 DOCKET NO: PLN2003-0005
 BLOCK/LOT: 517.01/2.04
 LOCATION: 615 Pierce Street
 AMOUNT DEPOSITED: \$2,503.25
 AMOUNT CHARGED: <1,125.00 >
 AMOUNT TO BE REFUNDED: \$1,378.25

APPLICANT: SOMERSET BAPTIST CHURCH Plan Review

ADDRESS: 9 Pershing Avenue Somerset NJ 08873
 DOCKET NO: PLN2002-0072
 BLOCK/LOT: 229/25-28
 LOCATION: Pershing Avenue
 AMOUNT DEPOSITED: \$375.00 In-House \$1,125.00
 Ellen E. Ritchie
 AMOUNT CHARGED: <160.00> < 150.00>
 AMOUNT TO BE REFUNDED: \$215.00 \$ 975.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the remaining escrow monies be returned to the above named applicant; and

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby directed to refund the escrow amounts herein.

Resolution #04-144: Approval of Special Event Permit to Second Chance for Animals Inc. for the Walk to Benefit Animal Shelter to be held on Sunday, May 2, 2004 (raindate Sunday, May 16).

WHEREAS, a request has been received from for permission to have a Benefit Walk for the Animal Shelton on Sunday, May 2, 2004 (Rain Date Sunday, May 16) at 1:00 pm, to be conducted a benefit walk starting at the Franklin Township Animal Shelter to public field on New Brunswick Road at Hexham Intersection and back (3.0 miles); and

WHEREAS, Second Chance for Animals, Incorporated has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to Second Chance for Animals, Incorporated to conduct benefit walk starting at the Franklin Township Animal Shelter to public field on New Brunswick Road at Hexham Intersection and back (3.0 miles) on Sunday, May 2, 2004 (Rain Date Sunday, May 16) at 1:00 pm, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and

BE IT FURTHER RESOLVED that the permit fee of \$125.00 be waived since said organization is a non-profit organization.

Resolution #04-145: Authorize Release of Performance Guarantee to Kennedy Franklin (Walgreen's) – Docket No. PLN2002-0028 in the amount of \$331,535.40.

WHEREAS, the Township Clerk of the Township of Franklin, Somerset County, New Jersey 08873 has received the following:

ITEM: IRREVOCABLE LETTER OF CREDIT

NAME OF APPLICANT: KENNEDY FRANKLIN (WALGREEN'S)
C/o Mark Investments

ADDRESS OF APPLICANT: 54 Jaconet Street Newton MA 02461

NUMBER: 2731

INSURANCE COMPANY: Sovereign Bank, New England
3 Friends Land, 2nd Floor
Newton PA 18940

IN THE AMOUNT OF: \$331,535.40

FOR: Site Improvements for Docket No. PLN2002-0028; Block 126.02/Lot 1 – Hamilton/Berry Streets; and

WHEREAS, the aforesaid applicant has requested release of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the aforesaid Performance Guarantee be released.

Resolution #04-146: Authorize Release of Performance Guarantee to KF Schoolhouse LLC – Docket No. PLN2002-000 in the amount of \$254,590.02.

WHEREAS, the Township Clerk of the Township of Franklin, Somerset County, New Jersey 08873 has received the following:

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: KF PIERCE, LLC
ADDRESS OF APPLICANT: 520 US Highway 22
Bridgewater NJ 08807

INSURANCE CO./BANK: NUMBER: B21839652
Gulf Insurance Company
3055 Lebanon Road, Suite 3100, Bldg. #3
Nashville TN 37214

IN THE AMOUNT OF: \$100,130.04

FOR: Site Improvements for Docket No. PLN2003-0005 – Block 514.01/Lot 2.04, 615 Pierce Street; and

WHEREAS, the aforesaid applicant has requested release of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the aforesaid Performance Guarantee be released to the above named applicant.

Resolution #04-147: Amend Resolution #04-064 by omitting the line “Released upon receipt of cash payment in the amount of \$60,980.00.”

WHEREAS, the Franklin Township Council adopted Resolution #04-064 on January 27, 2004 which incorrectly stated “upon receipt of cash payment in the amount of \$60,980.00”;

BE IT RESOLVED that the aforesaid resolution is hereby amended and reads as follows in its entirety:

“WHEREAS, the Township Clerk of the Township of Franklin, Somerset County, New Jersey 08873 has received the following:

ITEM: PERFORMANCE BOND

NAME OF APPLICANT: JAMM REALTY CORPORATION

Aka KF SCHOOLHOUSE LLC

ADDRESS OF APPLICANT: 520 US Highway 22 PO Box 6872
Bridgewater NJ 08807

NUMBER: PA0508130

INSURANCE COMPANY: The Insurance Company State of Pennsylvania
70 Pine Street
New York NY 10270

IN THE AMOUNT OF: \$107,398.00

FOR: Site Improvements for Docket No. PLN2002-0010; Block 514/Lot 16 – 50 Schoolhouse Road;
and

WHEREAS, the aforesaid applicant has requested release of the aforesaid Performance Guarantee; and

WHEREAS, the Township Engineer, after inspection, recommends release of the aforesaid Performance Guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the aforesaid Performance Guarantee be released to the applicant.”

Resolution #04-148: Grant Permission to US Bicycling Hall of Fame for a bicycle road race to travel through a portion of Franklin Township on Saturday, May 29, 2004.

BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey that it hereby grants permission to the US Bicycling Hall of Fame to hold a bicycle road race to travel through a portion of Franklin Township on Saturday, May 29, 2004, entering the Township from Rocky Hill on County Route 518, traveling north on Canal Road, and then exiting to Montgomery on the Griggstown Causeway.

Resolution #04-149: Authorize Contract with Tree Tech for tree trimming and removal services from April 1, 2004 through March 31, 2006 in the amount not to exceed \$48,000 (\$24,000 in each 12-month period).

WHEREAS, a notice to bidders for the receipt of bids for Tree Trimming and Removal Services was published in the Courier News on February 13, 2004 for receipt on March 2, 2004;

BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County, New Jersey that the following contract be awarded to the sole bidder:

TREE TECH
1248 Sussex Turnpike, PO Box 158
Mt. Freedom, NJ 07970
An amount not to exceed \$24,000.00 per year

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk be and the same are hereby authorized to enter into a contract with the above listed company; and

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified hereon that funds are available; and

BE IT FURTHER RESOLVED that continuation of the terms of this contract beyond June 30, 2004 is contingent upon availability of funds in the 2005 FY Budget, and in the event of unavailability of such funds, the Township of Franklin reserves the right to cancel this contract.

Resolution #04-150: Authorize Refund of Water Overpayments.

WHEREAS, there appears on the books of the Collector of Revenue, refunds due, resulting from Water Overpayments; and

WHEREAS, the overpayment will be refunded or transferred to the next fiscal year;

NOW, THEREFORE, BE IT RESOLVED that the Township Treasurer of the Township of Franklin, Somerset County, be instructed to draw checks in the amounts covering the overpayments and to deliver said checks to the proper persons.

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>REASON</u>	<u>AMOUNT</u>
361/41	Township of Franklin	Transfer Credits to	241.44
468.10/6-2	475 DeMott Lane		406.08
Various	Somerset NJ 08873	Next Fiscal Year	5,133.28
141/26	First Baptist Church	4/02	268.30
32 Fuller St	771 Somerset Street Somerset NJ 08873	Property has been Demolished	

WHEREAS, refunds are to be made to the persons who have made such overpayments;

NOW, THEREFORE, BE IT RESOLVED that the Treasurer of the Township of Franklin, County of Somerset and State of New Jersey be instructed to draw checks in the amounts covering the overpayments and to deliver such checks to the proper person.

Resolution #04-151: Authorize Tax Remittals.

WHEREAS, there appears on the books of the Collector of Revenue, taxes to be remitted as follows:

<u>YEAR</u>	<u>BLOCK/LOT</u>	<u>NAME</u>	<u>REASON</u>	<u>AMOUNT</u>
2002	11.01/83 QFARM	TOWNSHIP OF FRANKLIN	TAX EXEMPT	229.41
2002	259/56	NJ DEP	TAX EXEMPT	22.56
2002	259/63.01			59.48
2002	259/66.02			24.61
2002	259/66.06			49.22
2002	259/66.08			922.03
2002	259/66.09			69.73
2002	514/35	FRANKLIN TOWNSHIP	TAX EXEMPT	1,359.76
2002	514/38	BOARD OF EDUCATION		754.10
2002	514/55			1,472.75
2002	514/55QFARM			22.64
2003	514/55QFARM			98.60
2004	514/55QFARM			48.62

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, Somerset County that the Collector of Revenue be and she is hereby directed to remit the amount so stated.

Resolution #04-152: Authorize Tax Title Lien Redemptions – Outside Buyers.

WHEREAS, at a sale of land for delinquent taxes and all liens held by the Collector of Taxes of Franklin Township, Somerset County, various blocks and lots were sold to the following persons; and

WHEREAS, said property and/or liens have been redeemed by the owners thereof, and the purchasers of said property are legally entitled to a refund of monies paid at the time of redemption in the following specific amount;

NOW, THEREFORE, BE IT RESOLVED that the amounts covering the certificates of sale, together with all the charges due the said individuals at the time of redemption be and the same are hereby ordered refunded to the said individuals, and the proper officials of the Township of Franklin, Somerset County, New Jersey are hereby authorized and empowered to execute a voucher to the said individuals in the following amounts:

Date of Sale:	June 10, 2003
Block/Lot:	171.02/9
Name & Address:	Martinez, W. Jr. & M.C 31 Douglas Avenue Somerset NJ 08873
Amount:	\$1,351.20
Make Check Payable To:	James C. Older 87 East Mountain Road Hillside NJ 08844
Certificate No.:	0-103
Payment Received:	March 4, 2004

Resolution #04-153: Authorize Issuance of Special Event Permit to Franklin Food Bank Tour de Franklin for activities at the Community Senior Center Parking Lot on Sunday, April 25, 2004.

WHEREAS, a request has been received from Franklin Township Food Bank for permission to have activities in conjunction with the Tour de Franklin on April 25, 2004 between 7:00 a.m. and 1:30 p.m. to be conducted within the Community Senior Center Parking Lot; and,

WHEREAS, Franklin Township Food Bank has requested that the Permit Fee of \$125.00 be waived since they represent a non-profit organization; and,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin, County of Somerset, New Jersey, that permission is hereby granted to Franklin Township Food Bank to have activities in conjunction with the Tour de Franklin on April 25, 2004 between 7:00 a.m. and 1:30 p.m. to be conducted within the Community Senior Center Parking Lot, subject to compliance with the requirements of Township Officials, including but not limited to the Chief of Police and Director of Fire Prevention; and,

BE IT FURTHER RESOLVED that in accordance with Section 97-6 (e) of the Township Code that there shall be deposited with the Township Clerk a cash deposit, money order, certified check or treasurer's check in the amount of \$300.00 to guarantee the maintenance of the premises on which the applied for activity is to be conducted; and,

- (1) If at the end of such activity, the Health Inspector of the Township decides that the premises were not returned to the condition they were in as of the time that the applied for activity commenced, he/she shall be authorized to return the premises to such condition and to pay for having same done out of the deposit left with the Township Clerk for such purposes;

- (2) Any unused monies deposited for maintenance shall be returned by the Township Clerk to the person or organization making the deposit upon approval of the Health Inspector.

Resolution #04-154: Authorize Grant Application with Somerset County/Municipal Open Space Partnership Reimbursement for Scott Property purchased for \$300,000.

WHEREAS, The Somerset County Municipal Open Space Partnership Grants of Program makes grants available to municipalities for open space acquisition. Funding can be provided by the County for fee simple interest. The property will be acquired in the name of the municipality and the municipality must assume the long-term management responsibilities.

WHEREAS, the Mayor and Council of the Township of Franklin desire to further the public interest by obtaining a grant from the County to fund the purchase of the following property: Block 74.01, Lots 7 and 7QFarm, Block 74.05, Lot 7 and Block 74.06, Lot 7Qfarm, formerly referred to as Block 74.01, Lot 7.

NOW, THEREFORE, BE IT RESOLVED by the Franklin Township Mayor and Council that the site proposed for acquisition with assistance of Somerset County Open Space Partnership funds will be managed by the Township as permanent open space.

BE IT FURTHER RESOLVED that the Township agrees to comply with all applicable Federal, State and Municipal laws, rules and regulation in its performance pursuant to the Open Space Partnership Policy and Procedures Manual.

Resolution #04-155: Authorize Insertion in Budget (Chapter 159) – NJ Department of Health and Senior Services Family Planning Services Grant in the amount of \$27,500.

WHEREAS, N.J.S.A. 40A: 4-87 provided that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the Budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the Budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township of Franklin in the County of Somerset, State of New Jersey will receive \$25,700.00 New Jersey Department of Health and Senior Services FY 04 Family Planning Services Grant and wishes to amend its 2004 Budget to include a portion of this additional amount as a revenue;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, Somerset County hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Budget for the year 2004 in the sum of \$ 25,700.00 which is now available as revenue from:

New Jersey Department of Health and Senior Services Family Planning Services Grant

BE IT FURTHER RESOLVED that a like sum of \$ 25,700.00, for **New Jersey Department of Health and Senior Services Family Planning Services Grant** be and the same is hereby appropriated under the caption of:

New Jersey Department of Health and Senior Services Family Planning Services Grant

BE IT FURTHER RESOLVED that the Township Clerk forward **CERTIFICATION – GRANTS/ SPECIAL ITEM OF REVENUE AND APPROPRIATION** endorsed by the Township Clerk and the Chief Financial Officer to the Director of Local Government Services.

Resolution #04-156: Authorizing Issuance of 2004-05 Junkyard License to Somerset Recycling Center, Inc.

WHEREAS, Somerset Recycling Center, Incorporated has applied for renewal of their Junkyard License for the year 2004-2005 and has paid the required fee of \$1,000.00; and

WHEREAS, approval of issuance of 2004-2005 Junkyard License has been received from the Township Health Officer, Director of Fire Prevention, Zoning Officer, Township Engineer and Police Department; and

WHEREAS, Somerset Recycling Center, Incorporated has been found in compliance with Section 156-6 of the Township Code regarding Standards for Approval;

NOW, THEREFORE, BE IT RESOLVED that a Junkyard License be issued to Somerset Recycling Center, Incorporated, said license to commence April 1, 2004 and expire March 31, 2005 in compliance with Chapter 156 of the Township Code.

Resolution #04-157: Request Written Consent from Department of Community Affairs – FY04 Budget Insertion – Under Dedication by Rider – Emergency Services 9-11 Memorial (Healing Fields).

WHEREAS, NJS 40A:4-39 provides for the anticipation and expenditure of certain items of dedicated revenue which are not subject to reasonably accurate estimates in advance; and

WHEREAS, NJS 40A:4-39 also provides that such anticipation and expenditure of dedicated revenue is subject to the approval of the Director of the Division of Local Government Services; and

WHEREAS, it is the desire of the Township Council of the Township of Franklin in the County of Somerset to anticipate and expend certain dedicated revenue under Donations – Emergency Services 9-11 Memorial (Healing Fields);

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Franklin that the Director of the Division of Local Government Services in the Department of Community Affairs, be and is hereby requested to give written consent to the insertion, under the Dedication by Rider in the Budget for 2004 and subsequent budgets of the following:

Donations – Emergency Services 9-11 Memorial (Healing Fields); and

BE IT FURTHER RESOLVED that two (2) certified copies of this resolution be furnished to the Director of the Division of Local Government Services.

Resolution #04-158: Authorize Purchase under bid threshold/over \$8500 – Annual License and Maintenance for GEO-TMS Program in an amount not to exceed \$10,512.50.

WHEREAS, the Township of Franklin desires to purchase items as follows which do not exceed the bid threshold but which exceed the limits set forth in Chapter 3, Section 3-13; and

WHEREAS, quotations as required by NJSA 40A:11-1 et seq. have been received;

VENDOR: DesLauriers Municipal Solution
40 Kenwood Circle, Suite 8
Franklin, MA 02038

ITEMS: Annual License and Maintenance for GEO-TMS Program

COST: Not to exceed \$10,512.50

WHEREAS, the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed said certificate and is satisfied that said certificate is in proper form; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Franklin, County of Somerset and State of New Jersey does hereby authorize the Mayor and Township Clerk to execute a contract with the above named vendor to purchase the specified items.

Resolution #04-159: Amend 2004 Township Council Meeting Schedule

WHEREAS, as per the **Open Public Meeting Act (P.L. 1975, Chapter 231) of the Laws of the State of New Jersey, Section 13** thereof, the Township Council of the Township of Franklin adopted a resolution providing notice of the annual meeting schedule for 2004 at its Reorganization Meeting held on January 1, 2004 amended its meeting schedule on January 13, 2004 and February 10, 2004; and

WHEREAS, it has become necessary to amend the annual meeting schedule for 2004 as follows:

<u>Delete:</u>	Agenda Meeting	April 8 (Thurs) @ 8:00 p.m.	
<u>Change:</u>	Regular Meeting	April 13 (Tues) @ 8:00 p.m.	to
	Combined Agenda/Regular Meeting	April 13 (Tues) @ 7:00 p.m.	

NOW, THEREFORE, BE IT RESOLVED on this **23rd day of March, 2004**, by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey, that the meeting schedule is hereby amended as follows for the period January 7, 2004 to January 25, 2005 and shall be held at 475 DeMott Lane on the following dates and times:

<u>Delete:</u>	Agenda Meeting	April 8 (Thurs) @ 8:00 p.m.	
<u>Change:</u>	Regular Meeting	April 13 (Tues) @ 8:00 p.m.	to
	Combined Agenda/Regular Meeting	April 13 (Tues) @ 7:00 p.m.	

Appointment of Mr. Chivukula, Mr. Unger and Mr. Sumter to the Veterans Memorial Committee.

Mr. Chivukula announced that the Traffic Management Subcommittee will be holding its meetings on third Tuesday after the Finance Oversight Committee meetings at 8:00 p.m.

ADJOURNMENT

Mr. Chivukula moved to adjourn the meeting at 10:02 p.m. Said motion was seconded by Mr. Sumter and carried unanimously upon voice vote.

Brian D. Levine, Mayor

Ann Marie McCarthy, Township Clerk

Approved:

Date: